

# Order

**Michigan Supreme Court  
Lansing, Michigan**

September 21, 2010

Marilyn Kelly,  
Chief Justice

ADM File No. 2010-09

Michael F. Cavanagh  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman  
Diane M. Hathaway  
Alton Thomas Davis,  
Justices

Amendment of Rules 3.973,  
3.975, and 3.976 of the  
Michigan Court Rules

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On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendments of Rules 3.973, 3.975, and 3.976 of the Michigan Court Rules are adopted, effective January 1, 2011.

[Additions are indicated by underline, and deletions by strikethrough.]

## Rule 3.973 Dispositional Hearing

(A)-(D)[Unchanged.]

(E) Evidence; Reports.

(1)-(4) [Unchanged.]

(5) The court, upon receipt of a local foster care review board's report, shall include the report in the court's confidential social file. The court shall ensure that all parties have had the opportunity to review the report and file objections before a dispositional order, dispositional review order, or permanency planning order is entered. The court may at its discretion include recommendations from the report in its orders.

(F)-(H)[Unchanged.]

## Rule 3.975 Post-dispositional Procedures: Child in Foster Care

(A)-(D)[Unchanged.]

(E) Procedure. Dispositional review hearings must be conducted in accordance with the procedures and rules of evidence applicable to the initial dispositional hearing. The report of the agency that is filed with the court must be accessible to the parties and offered into evidence. The court shall consider any written or oral information concerning the child from the child's parent, guardian, legal

custodian, foster parent, child caring institution, or relative with whom a child is placed, in addition to any other relevant and material evidence at the hearing. The court, on request of a party or on its own motion, may accelerate the hearing to consider any element of a case service plan. The court, upon receipt of a local foster care review board's report, shall include the report in the court's confidential social file. The court shall ensure that all parties have had the opportunity to review the report and file objections before a dispositional order, dispositional review order, or permanency planning order is entered. The court may at its discretion include recommendations from the report in its orders.

(F)-(H)[Unchanged.]

### Rule 3.976 Permanency Planning Hearings

(A)-(C)[Unchanged.]

(D) Hearing Procedure; Evidence.

(1)-(2) [Unchanged.]

(3) The court, upon receipt of a local foster care review board's report, shall include the report in the court's confidential social file. The court shall ensure that all parties have had the opportunity to review the report and file objections before a dispositional order, dispositional review order, or permanency planning order is entered. The court may at its discretion include recommendations from the report in its orders.

(E) [Unchanged.]

Staff Comment: The amendments of MCR 3.973, 3.975, and 3.976 require a court to maintain a local foster care review board report in the court's confidential social file, and ensure that all parties have had the opportunity to review the report before the court enters a dispositional order, dispositional review order, or permanency planning order. Courts also may include recommendations from the report in their orders under the new language.

The staff comment is not an authoritative construction by the Court.



I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 21, 2010

*Corbin R. Davis*  
Clerk